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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,155	01/22/2002	William P. Darbie	10011309-1	5337

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,155

Applicant(s)

DARBIE, WILLIAM P.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/22/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communications: Response to Restriction Requirement filed 03/17/2005 to the original application filed 01/22/2002; IDS filed 01/22/2002.
2. Applicant's argument to the restriction requirement filed 03/17/2005 is acknowledged. Upon further review by the examiner, the restriction is withdrawn and claims 1-41 are examined in the application. Claims 1, 14, 19, 26, and 33 are independent claims.

***Claim Objections***

3. Claims 13 and 22 are objected to because of the following informalities:
  - a. "an alphanumeric" (claim 13) should probably read "an alphanumeric character";  
and
  - b. "associate a particular label adds a link" (claim 22) should probably read  
"associate a particular label with a link".Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-13 need to be directed towards a “computer-implemented” method. The claim limitations are not explicitly directed toward steps being implemented on a computer, computer readable medium, or other statutory device. As such, they could be carried out mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al.** (U.S. 6,185,560 – filed 04/1998, as cited by Applicant’s IDS filed 01/22/2002) in view of **Sotomayor** (U.S. 5,708,825 – filed 05/26/1995).

**As to independent claim 1:**

- a. Young teaches a method for navigating summarized textual data (*Abstract*), comprising:
  - (i) receiving a portion of text (*Abstract & col.3, lines 30-32*);
  - (ii) comparing the data with the portion of text to identify a match (*col.3, lines 45-47*);
  - (iii) generating an entry responsive to the match (*Abstract & col.3, lines 35-38*); and
  - (iii) inserting the entry in a data summary (*Abstract*).
- b. Young does not explicitly teach “transforming data from a text format to a hypertext markup language format and associating the entry with the contents of the transformed data responsible for the match.”
- c. Sotomayor teaches transforming data from a text format to a hypertext markup language format and associating the entry with the contents of the transformed data responsible for the match (*col.11, line 60-col.12, line 9*).
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 2:**

Young teaches reading a string of text from a data storage device (*col.3, lines 16-20*).

**As to dependent claim 3:**

Young teaches reading a string of text from an input device (*col.4, lines 40-45*).

**As to dependent claim 4:**

Young teaches concatenating a string of text to the data responsible for the match to a label (*e.g., concatenation ...TEXT fields; col.12, line 64-col.13, line 46*).

**As to dependent claim 5:**

Young teaches the label is reflective of a level of importance (*col.6, lines 56-64*).

**As to dependent claim 6:**

Young teaches the level of importance is indicated via a color (*col.10, lines 20-33*).

**As to dependent claim 7:**

Young teaches the level of importance is indicated via a label (*col.1, lines 23-27*).

**As to dependent claim 8:**

Young teaches the string of text includes language indicative of a condition requiring correction (*col.8, lines 1-27*).

**As to dependent claim 9:**

Young teaches adding a pointer indicative of the location of the string of text within the data (*Abstract & col.3, lines 4-6*).

**As to dependent claim 10:**

- a. Sotomayor teaches the pointer comprises a hypertext markup language link (*col.4, lines 22-34*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating

homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 11:**

Young teaches changing a characteristic of both the data and the entry in the data summary (*col.14, lines 35-46*).

**As to dependent claim 12:**

Young teaches the characteristic is selected from the group consisting of color, font, font size, bold text, italicized text, and underlined text (*col.9, lines 47-58*).

**As to dependent claim 13:**

Young teaches adding an alphanumeric to the data and the entry in the data summary (*col.8, lines 9-27*).

**As to independent claim 14:**

It is directed to a system for performing the method of claim 1, and is similarly rejected under the same rationale. Additionally, Young further teaches means for compiling a static on the match (*col.15, lines 56-64*).

**As to dependent claim 15:**

Young teaches reporting the statistic (*col.15, lines 56-64*).

**As to dependent claim 16:**

- a. Sotomayor teaches applying a hypertext markup language link between the statistic and an instance of the string in the match (*col.11, lines 19-34*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of

Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 17:**

Young teaches comparing receives a previously stored string (*col.15, lines 21-47*).

**As to dependent claim 18:**

Young teaches comparing receives a string via an input device (*col.4, lines 39-55*).

**As to independent claim 19:**

- a. It is directed to a computer-readable medium for implementing the method of claim 1, and is similarly rejected under the same rationale. Additionally, Young further teaches:
  - (i) locate a text string within the text data (*col.2, lines 3-19*);
  - (ii) log located text strings, wherein each occurrence of a particular text string is associated with an indicator (*col.8, lines 35-48*);
  - (iii) register a respective label in a text data summary (*col.5, lines 1-8 and Fig.2*); and
  - (iv) associate a particular label with occurrences of the particular text string located within the text data (*col.5, lines 9-27*).

**As to dependent claim 21:**

Young teaches register a respective label concatenates the number of occurrences of the particular text string to the label to generate a summary entry (*col.13, lines 1-46*).

**As to dependent claim 22:**



Young teaches associate a particular label adds a link (*Abstract*).

**As to dependent claim 23:**

It includes the same limitations as in claim 11, and is similarly rejected under the same rationale.

**As to dependent claim 24:**

It includes the same limitations as in claim 13, and is similarly rejected under the same rationale.

**As to dependent claim 25:**

Refer to discussion of claim 10 for rejection.

**As to independent claim 26:**

It is directed to a computer system for performing the method of claim 1, and is similarly rejected under the same rationale. Additionally, Young further teaches a processor (21; *Fig.1*); an execution memory (22; *Fig.1*), a text enhancer application (*col.4, lines 46-50*), a query engine (*Fig.3C*), a content reporting engine (*Fig.3A*); and a data indexing engine (*Fig.3B*).

**As to dependent claim 27:**

Young teaches the query engine is configured to locate a match between a previously stored text string and the text data (*col.2, lines 15-32*).

**As to dependent claim 28:**

Young teaches the query engine is configured to locate a match between a user entered text string and the text data (*col.14, lines 15-47*).

**As to dependent claim 29:**

Young teaches a formatting engine configured to insert an entry in a data summary responsive to a number of occurrences of the match (*col.8, lines 36-48*).

**As to dependent claim 30:**

It includes the same limitations as in claim 11, and is similarly rejected under the same rationale.

**As to dependent claim 31:**

It includes the same limitations as in claim 13, and is similarly rejected under the same rationale.

**As to dependent claim 32:**

- a. Sotomayor teaches the formatting engine is configured to insert a hypertext markup language link between the text data and the entry (*Abstract and col.4, lines 22-43*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to independent claim 33:**

- a. The rejection of claim 1 above is incorporated herein in full. Additionally, Young further teaches:
  - (ii) associating a summary label with the text string (*col.1, lines 39-41*);

- (iii) accessing a text file containing a plurality of lines of textual information  
*(col.3, lines 45-46);*
  - (iv) determining if each of the plurality of lines contains the text string,  
wherein when a line of textual information contains the text string, the line  
of textual information is added to the summary label to generate a  
summary line in the report *(col.7, line 64-col.8, line 34);*
  - (vi) accessing the text file containing a plurality of lines of textual information  
*(col.3, lines 45-46);*
  - (vii) determining if each of the plurality of lines contains the text string,  
wherein when a line of textual information does not contain the text string  
*(col.14, lines 16-64), and concatenated to the summary line in the report*  
and when a line of textual information does contain the text string, that  
associates the line of textual information to the summary line, the line of  
textual information containing the text string appended to the report  
*(col.12, line 64-col.13, line 30).*
- b. Young does not explicitly teach “the line of textual information is translated to an HTML format.”
- c. Sotomayor teaches the line of textual information is translated to an HTML format *((col.11, line 60- col.12, line 9).*
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided a more usable document which can be

viewed by a document viewer program such a word-processor program or a web browser program.

**As to dependent claim 34:**

- a. Sotomayor teaches inserting an hypertext markup language file header (*col.19, lines 34-60*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 35:**

- a. Sotomayor teaches the HTML file header is inserted before the summary lines in the report (*col.19, line 61-col.20, line 7*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 36:**

- a. Sotomayor teaches inserting an hypertext markup language file footer (*col.20, lines 39-64*).

- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claim 37:**

- a. Sotomayor teaches the HTML file footer is inserted after the plurality of lines have been appended to the report (*col.20, line 65-col.21, line 19*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

**As to dependent claims 38-40:**

They include the same limitations as in claims 11-13, and are similarly rejected under the same rationale.

**As to dependent claim 41:**

- a. Sotomayor teaches a link (*col.4, lines 22-34*).
- b. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the feature from Sotomayor in the system of Young because it would have provided the capability for automatically generating

homepages containing various types of index information and the associated hyperlinks to other information located on the Internet and the Web.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mase et al.                      U.S. Patent No. 5,978,820                      issued: Nov. 2, 1999

Myers et al.                      U.S. Patent No. 6,259,956                      issued: Jul. 10, 2001

Gay.                              U.S. Patent No. 6,792,145                      issued: Sep. 14, 2004

Gorelick et al.                      U.S. Publication 2002/0107882 A1                      Pub. Date: Aug. 8, 2002

Bera                              U.S. Publication 2002/0147705 A1                      Pub. Date: Oct. 10, 2002

Dvorak et al., "A Methodology for User Centered Link Structures for Textbook to Hypertext Conversion", IEEE, 1992, pp.619-628.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen  
May 30, 2005

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
*May 31, 2005*